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DATE

ORDINANCE NO. 51-558

AN ORDINANCE CREATING TITLE 31 OF THE CODE OF THE CITY OF WICHITA ESTABLISHING THE WICHITA LAND BANK.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 31.01.101 of the Code of the City of Wichita, Kansas, is hereby created to read as follows:

WICHITA LAND BANK

PURPOSE

The Wichita Land Bank is hereby established pursuant to K.S.A. 12-5901 *et seq.* The Wichita Land Bank is an independent agency and instrumentality of the City with the primary responsibility and authority to acquire, hold, manage, and convey property, located within the Established Central Area as defined in the Wichita: Places for People Comprehensive Plan Amendment of 2019, and other abandoned, tax-foreclosed, or otherwise underutilized or distressed property within the City of Wichita in order to convert such properties to productive use.

SECTION 2. SECTION 31.01.020 of the Code of the City of Wichita is hereby created to read as follows:

DEFINITIONS

For the purpose of this Title the words set forth in this Section shall have the following meanings:

City means the City of Wichita, Kansas.

Board means the Board of Trustees of the Wichita Land Bank established pursuant to this Title.

Land Bank means the Wichita Land Bank established pursuant to this Title.

SECTION 3. SECTION 31.01.030 of the Code of the City of Wichita is hereby created to read as follows:

LAND BANK BOARD OF TRUSTEES; APPOINTMENT, TERMS AND DISSOLUTION

- A. There is hereby established a Wichita Land Bank Board of Trustees (“Board”). The Board shall be composed of seven members. Each member of the governing body shall appoint one member who resides in Sedgwick County, Kansas with the goal of having expertise in land development, construction, development finance, real estate sales or marketing, real estate law, neighborhood growth and development, surveying or expertise related to the responsibilities of the Land Bank operation. Members of the Board shall not receive compensation nor shall they be reimbursed for personal expenses.
- B. The Board may establish separate neighborhood or city advisory committees on an hoc basis consisting of persons living or owning property within the county, city or neighborhood. In the case of neighborhood advisory committees, the Board shall determine the boundaries of each neighborhood. The Board shall consult with each neighborhood or advisory committee as needed to review the operations and activities of the Land Bank concerning any matter which comes before that particular committee.
- C. The term of office of the Board members shall be as set forth in Section 2.12.020(2) of the Code of the City of Wichita.
- D. The Board members are subject to the provisions of Sections 2.12.010, 2.12.020 and 2.12.030 of the Code of the City of Wichita, except as otherwise stated herein.
- E. Primary staff support to the Board will be provided by the City Manager or designee. City staff will provide technical and professional support for Land Bank operations.
- F. The Land Bank may be dissolved by ordinance of the City Council. In such case, all property of the Land Bank shall be transferred to and held by the City and may be disposed of as otherwise provided by law.

SECTION 4. SECTION 31.01.040 of the Code of the City of Wichita is hereby created to read as follows:

LAND BANK BOARD; ORGANIZATION

- A. The Board shall select, annually, from its membership, a chairperson, a vice-chairperson

and a treasurer.

- B. The Board shall fix the time and place at which its meetings shall be held. Meetings shall be held within the City and shall be subject to the Kansas Open Meeting Act, K.S.A. 75-4317 *et seq.*, and amendments thereto.
- C. A majority of the Board shall constitute a quorum for the transaction of business. No action of the Board shall be binding unless taken at a meeting at which at least a quorum is present.
- D. The members of the Board shall be subject to the provisions of the laws of the State of Kansas which relate to conflicts of interest of city officers and employees, including, but not limited to, K.S.A. 75-4301 *et seq.*, and amendments thereto.
- E. Subject to the provisions of the Kansas Tort Claims Act, K.S.A. 75-6101 *et seq.*, and amendments thereto, if any action at law or equity, or other legal proceeding, shall be brought against any member of the Board for any act or omission arising out of the performance of duties as a member of the Board, such member shall be indemnified in whole and held harmless by the City for any judgment or decree entered against such member and, further, shall be defended at the cost and expense of the City in any such proceeding.

SECTION 5. SECTION 31.01.050 of the Code of the City of Wichita is hereby created to read as follows:

LAND BANK BOARD; POWERS AND DUTIES

The Land Bank Board shall have the following powers and duties:

- A. To sue and be sued.
- B. To enter into contracts.
- C. Recommend to the City Council the transfer, sale or acquisition of real property by purchase, gift or devise, and convey any real property, including easements and reversionary interest, and personal property, subject to the provisions of this Section. The Board may accept or refuse to accept any property offered to the Land Bank. The transfer of any property pursuant to this subsection shall not be subject to any bidding requirements and shall be exempt from any provisions of law requiring a public sale.
- D. The Board shall assume possession and control of any property acquired by it under this Section and shall hold and administer such property. In the administration of property, the Board shall:
 - 1. Manage, maintain and protect or temporarily use for a public purpose such property

in the manner the Board deems appropriate;

2. Work with City staff to compile and maintain a written inventory of all such property. The inventory shall be available for public inspection and distribution at all times;
 3. Study, analyze and evaluate potential, present and future uses for such property which would provide for the effective reutilization of such property;
 4. Plan for and use the Board's best efforts to consummate the sale or other disposition of such property at such times and upon such terms and conditions deemed appropriate;
 5. Work with City Finance Department to establish and maintain records and accounts reflecting all transactions, expenditures and revenues in relation to the Land Bank's activities, including separate itemizations of all transactions, expenditures and revenues concerning each individual parcel of property acquired.
- E. To exercise any other power which may be delegated to the Land Bank by the City Council.
- F. To exercise any other incidental power which is necessary to carry out the purpose of the Land Bank or this Section.

SECTION 6. SECTION 31.01.060 of the Code of the City of Wichita is hereby created to read as follows:

LAND BANK BOARD; OPERATIONAL REQUIREMENTS.

The Land Bank shall be subject to the following requirements:

- A. The Land Bank shall be subject to the provisions of the Cash Basis Law, K.S.A. 10-1101 *et seq.*, and amendments thereto.
- B. The budget of the Land Bank shall be prepared, adopted and published as provided by law for other political subdivisions of the State of Kansas. No budget shall be adopted by the Board until it has been submitted to, reviewed and approved by the City Council. If the City Council elects not to ratify the budget, it must reject the plan in its entirety and remand it back to the Board with specific recommendations for reconsideration.
- C. All records and accounts shall be subject to public inspection pursuant to K.S.A. 45-216 *et seq.*, and amendments thereto.
- D. The Land Bank shall make an informal and unaudited annual report to the City Council on or before April 15 of each year, showing receipts and disbursements from all funds under

its control and showing all property transactions occurring in each year. Such report shall include an inventory of all property held by the Land Bank, and shall be published in the official city newspaper.

- E. The Board, without competitive bidding, may sell any property acquired by the Board at such times, to such persons, and upon such terms and conditions, and subject to such restrictions and covenants deemed necessary or appropriate to assure the property's effective reutilization. Notice of said sale will be published thirty (30) days prior to the sale.
- F. The sale of any real property by the Board, under the provisions of this Section, on which there are delinquent special assessments to finance public improvements shall be conditioned upon the approval of the governing body which levied the special assessments.
- G. The Board, for the purpose of land disposition, may cause to be consolidated, assembled or subdivided individual parcels of property acquired by the Land Bank.
- H. Pursuant to K.S.A. 12-5909, until sold or otherwise disposed of by the Land Bank, and except for special assessments levied by the City to finance public improvements, any property acquired by the Land Bank shall be exempt from the payment of ad valorem taxes levied by the State of Kansas and any other political or taxing subdivision of the state.
 - (i) Pursuant to K.S.A. 12-5909(b) Except for special assessments levied by the City to finance public improvements, when the Board acquires property pursuant to this Section, the Sedgwick County Treasurer shall remove from the tax rolls all taxes, assessments, charges, penalties and interest that are due and payable on the property at the time of acquisition by the Board.
 - (ii) Pursuant to K.S.A. 12-5909(c), property held by the Land Bank shall remain liable for special assessments levied by the City for public improvements, but no payment thereof shall be required until such property is sold or otherwise conveyed by the Land Bank.
 - (iii) Pursuant to K.S.A. 12-5909(d), the City Council may abate part or all of any lien assessments which it has levied on property acquired by the Land Bank. Any lien assessments that are abated shall be removed from the tax rolls by the County Treasurer as of the effective date of the abatement.
- I. Any moneys derived from the sale of property by the Land Bank shall be retained by the Land Bank for the purposes and operations thereof; provided, however, that the Board may use all or part of the proceeds from such sale to reimburse the City for delinquent special assessments due on such property.

SECTION 7. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this 25th day of May,
2021.

Brandon Whipple, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Jennifer Magaña, City Attorney and
Director of Law